

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:  
  
ALL CLASS CASES

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS  
COUNSEL'S SUBMISSION REGARDING MR. HAVILAND'S  
PARTICIPATION AS CO-LEAD COUNSEL**

I, Steve W. Berman, duly declare under penalty of perjury as follows:

1. I am a partner of Hagens Berman Sobol Shapiro LLP, resident in its Seattle, Washington, office, and I am Co-Lead Counsel for the plaintiffs in the above-captioned matter. I submit this declaration under penalty of perjury in support of Class Counsel's Submission Regarding Mr. Haviland's Participation as Co-Lead Counsel.

2. Attached hereto as Exhibit 1 is a true and correct copy of Affidavit of Donald E. Haviland, Jr. in Support of Supplemental Brief in Support of Remand by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund, in Response to Court's Directives of January 27, 2006, and in Response to Order of February 2, 2006, ¶ 8 (Dkt. No. 2130).

3. Attached hereto as Exhibit 2 is a true and correct copy of the Oct. 11, 2006, Declaration of Thomas R. Kline, Esquire, submitted in the *Lupron* proceeding.

4. Attached hereto as Exhibit 3 is a true and correct copy of Memorandum in Support of Petition of Donald E. Haviland, Jr., Esquire and the Haviland Law Firm, LLC for

Appointment as Lead Counsel for the Class or in the Alternative, Class Counsel submitted in the *Bridgeport Fire Litig.* proceeding.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the December, 2006 hearing transcripts from the *Bridgeport Fire* proceedings and relevant exhibits.

6. Attached hereto as Exhibit 5 is a true and correct copy of July 27, 2007, Letter from Don Haviland to The Honorable William G. Bassler in the New Jersey action of *International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca Pharmaceuticals, L.P., et al.*

7. Attached hereto as Exhibit 6 is a true and correct copy of relevant excerpts from the Aug. 29, 2007 Hearing Transcript in the *Bridgeport Fire* action.

8. Attached hereto as Exhibit 7 is a true and correct copy of the June 30, 2003, Class Action Complaint in the New Jersey action of *International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC, et al.*

9. Attached hereto as Exhibit 8 is a true and correct copy of relevant excerpts from the February 10, 2005 Hearing Transcript in this AWP MDL action.

10. Attached hereto as Exhibit 9 is a true and correct copy of the Feb. 9, 2005 Letter from John E. Keefe, Jr. to The Honorable Patti B. Saris.

Executed this 18<sup>th</sup> day of September, 2007.

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/s/ **Steve W. Berman**

STEVE W. BERMAN

**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS COUNSEL'S SUBMISSION REGARDING MR. HAVILAND'S PARTICIPATION AS CO-LEAD COUNSEL**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on September 18, 2007, a copy to LexisNexis File & Serve for posting and notification to all parties.

By           /s/ Steve W. Berman            
Steve W. Berman  
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